

MAR 05 2019

SENATE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO
ELIMINATE ITS BLOOD DONOR DEFERRAL POLICY ON THE COLLECTION
OF BLOOD AND BLOOD COMPONENTS FROM MEN WHO HAVE SEX WITH
MEN.

1 WHEREAS, on December 21, 2015, the United States Food and
2 Drug Administration (FDA) lifted a decades-long policy banning
3 gay and bisexual men from donating blood and recommended a
4 deferral on men who have sex with men (MSM) and women who have
5 sex with MSM from donating blood within twelve months after last
6 sexual contact; and

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8 WHEREAS, the FDA cites the Centers for Disease Control and
9 Prevention's (CDC) findings that in 2010, MSM accounted for
10 seventy-eight percent of new human immunodeficiency virus (HIV)
11 infections among American men, and sixty-three percent overall,
12 as justification for its one-year deferral policy for MSM blood
13 donations; and

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15 WHEREAS, many other high risk groups or individuals listed
16 within the cited CDC report do not have any restrictive
17 deferrals put in place against them; and

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19 WHEREAS, the FDA already rigorously tests blood from donors
20 within several days, and the one-year deferral period of MSM
21 does not align with the testing windows for any of the disease
22 screening methods used by blood banks; and

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24 WHEREAS, many MSM practice safe sex in the form of
25 protected sex, monogamy, and other health-conscious practices;
26 and

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28 WHEREAS, fifteen countries have either lifted bans and
29 deferrals on MSM or have maintained a no-deferral or no-ban
30 policy on MSM, including Argentina, Italy, Mexico, Peru, Poland,
31 and Spain; and



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2 WHEREAS, in 2001, Italy changed its blood donor screening
3 policy from a criteria-based deferral of MSM to an individual
4 risk assessment method for all blood donors; and
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6 WHEREAS, a study on Italy's HIV rates found that the newer
7 policy had no significant impact on HIV rates in the country;
8 and
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10 WHEREAS, in the United Kingdom, the National Health
11 Services Blood and Transplant authority is currently conducting
12 research on making it possible for MSM to donate blood without a
13 deferral in place; and
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15 WHEREAS, a study conducted in 2014 by The Williams
16 Institute at the UCLA School of Law found that lifting
17 restrictions on MSM blood donors could increase the total annual
18 United States blood supply by two to four percent, thereby
19 saving more lives; and
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21 WHEREAS, the consensus among lesbian, gay, bisexual, and
22 transgender advocacy groups is that the current one-year
23 deferral period is based on fear rather than medical sciences,
24 and that the deferral continues to stigmatize MSM by
25 perpetuating negative stereotypes of male homosexuality; now,
26 therefore,
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28 BE IT RESOLVED by the Senate of the Thirtieth Legislature
29 of the State of Hawaii, Regular Session of 2019, the House of
30 Representatives concurring, that the United States Food and Drug
31 Administration is requested to eliminate its blood donor
32 deferral policy on the collection of blood and blood components
33 from men who have sex with men; and
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35 BE IT FURTHER RESOLVED that the United States Food and Drug
36 Administration is requested to adopt a blood screening model of
37 individual risk assessment for all blood donors in lieu of its
38 current one-year, lifestyle-based deferral specific to men who
39 have sex with men; and
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41 BE IT FURTHER RESOLVED that certified copies of this
42 Concurrent Resolution be transmitted to the Commissioner of Food



S.C.R. NO. 39

1 and Drugs of the United States Food and Drug Administration,
2 Chairperson of the Blood Products Advisory Committee of the
3 United States Food and Drug Administration, and Chairperson of
4 the Advisory Committee on Blood and Tissue Safety and
5 Availability of the United States Department of Health and Human
6 Services.

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OFFERED BY:





